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EXAMINER	
KIM, TAE K	

ART UNIT	PAPER NUMBER
2453	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/517,018	HABER-LAND-SCHLOSSER ET AL.	
	Examiner	Art Unit	
	TAE K. KIM	2453	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 June 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11,13,14,16,19-22,25 and 26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11,13,14,16,19-22,25 and 26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This is in response to the Applicant's response filed on June 22, 2009. Claims 1, 2, 6, 19, 20, and 26 have been amended by the Applicant. Claims 1 – 11, 13, 14, 16, 19 – 22, 25, and 26, where Claims 1 and 19 are in independent form, are presented for examination.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 22, 2009 has been entered.

Response to Arguments

Applicant's arguments filed on June 22, 2009 have been fully considered but they are not persuasive. Applicant argued:

a) Regarding Claims 1 and 19, the combination of Kehr and Schwoegler does not disclose or suggest of "automatically determining information about environmental conditions indicating actual weather conditions of the mobile telephone device."

b) Regarding Claims 2 – 11, 13, 14, 16, 20 - 22, 25, and 26, the combination of Kehr and Schwoegler does not disclose or suggest the claimed features found in independent claims 1 and 19.

Examiner respectfully disagrees with applicant's assertions.

1. With regards to a), the Applicant states that the limitation "automatically determining information about environmental conditions indicating actual weather conditions of the mobile telephone device" implies that the mobile device comprises elements capable of sensing the environment in which the device is located and consequently determining the actual weather conditions of the specific location of the mobile device, not forecasted or determined weather conditions for a particular local area.

Foremost, the currently presented claims do not contain language stating that the mobile phone "senses the environment in which the device is located to determine the actual weather conditions for the location of the mobile device. The Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPTQ2d 1057 (Fed. Cir. 1993).

Furthermore, the cited passage (Pg. 10, lines 20-22 of the specification) does not support this implied function. The passage merely states that "[m]ore sophisticated mobile terminal devices may further add information about the location of the mobile phone, or can comprise information about the environment like temperature, humidity and atmospheric pressure." The passage does not state how the mobile device actual obtains weather information. There is nothing implicit within the specification or the state of mobile phone technology at the time the invention was created to suggest that

the mobile phone senses the environmental conditions of the specific location of the mobile device.

Schwoegler discloses a system and method of providing individualized, location specific weather information to subscribers on wireless mobile devices [Para. 0002]. Schwoegler further discloses that the weather information includes current and predicted weather conditions [Fig. 4] that can be update as often as every seven minutes [Para. 0059].

Additionally, Applicant argues that no weather information is downloaded from a service or other device to obtain weather information regarding the location of the mobile phone [See Remarks, Pg. 9]. However, the currently presented claims do not contain language specifying such a limitation. Also, the specification does not support such an implicit function for the mobile device.

2. With regards to b), since the Applicant relies upon the arguments to Claims 1 and 19, the Examiner refers to Section 1 above regarding the Applicant's arguments to Claims 1 and 19.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 – 7, 8, 11, 19 – 21, 25 and 26 rejected under 35 U.S.C. 103(a) as being unpatentable over the published thesis "Look Ma', My Homepage is

Mobile!," written by Roger Kehr and Andreas Zeidler (hereinafter "Kehr"), in view of U.S. Appl. 2001/0030624, filed by Bruce Schwoegler (hereinafter "Schwoegler").

3. Regarding Claims 1, 2, 25, and 26, Kehr discloses a method for:

automatically determining information about environmental conditions of a mobile telephone device [Pgs. 1 – 3; the homepage is dynamically adapted to the environment a mobile user is currently in, without interaction from the mobile user (automatically), such as location (country, network, area) and text configuration notifying the new and updated status of the user or the user's mobile device]; and

automatically adapting a mobile homepage in accordance with said determined information about said environmental conditions of said mobile telephone device [Pgs. 1 – 3; discloses a mobile homepage system built on top of an implementation of small web server inside a SIM of a mobile communication device, where the homepage is dynamically adapted to the environment a mobile user is currently in, without interaction from the mobile user (automatically), such as location (country, network, area) and text configuration notifying the new and updated status of the user or the user's mobile device (evaluating determined environment information with regard to different environment information and adapting the homepage in accordance with a result of the evaluation)].

Kehr further discloses that the homepage is constructed from a template that uses information returned by the mobile phone to set variables and for template substitution [Pg. 3].

Kehr, however, does not specifically disclose that the environmental conditions also indicate actual weather conditions of the location of a mobile telephone device.

Schwoegler discloses a system and method of providing individualized, location specific weather information to subscribers on wireless mobile devices [Para. 0002]. Addtionally, Schwoegler discloses that the weather information includes current and predicted weather conditions [Fig. 4] that can be update as often as every seven minutes [Para. 0059]. Schwoegler further discloses that this service could be delivered on a cable or telephony company's webpage or any major information based website [Para. 0103]. It would have been obvious to one skilled in the art at the time of the invention to incorporate the weather determination system disclosed by Schwoegler to the location updating system disclosed by Kehr. The weather information can be determined and stored within the proxy server based upon the location information first determined by the Kehr system. The template could then be incorporated to include the weather information within the homepage as location information is updated. The motivation to do so is to is to provide current weather information specific to a customer's current location [Para. 0007]. This would provide further information as to the context a mobile user is currently in.

4. Regarding Claims 3 and 4, Kehr, in view of Schwoegler, discloses all the limitation of Claim 1 above. Kehr further discloses that the mobile device dispatches a communication request and receives a communication request [Pg. 2; after incoming HTTP requests are parsed (receiving), the commands encoded in the URL are

executed and the responses are sent back by SMS (dispatching) to the proxy where the server returns a document that describes the requested information].

5. Regarding Claim 5, Kehr, in view of Schwoegler, discloses all the limitation of Claim 3 above. Kehr further discloses that the communication request is a multimedia call [Pg. 2; communication from the internet is achieved by a so-called proxy server and the HTTP requests are tunneled within SMS messages (multi-media call) sent from a mobile phone attached to the proxy server].

6. Regarding Claim 6, Kehr, in view of Schwoegler, discloses all the limitation of Claim 1 above. Kehr further discloses that said information about said environmental conditions of the location of said mobile telephone device comprises communication properties [Pg. 2; returned homepage information can contain the country, the operator network (communication properties), and location information].

7. Regarding Claim 7, Kehr, in view of Schwoegler, discloses all the limitation of Claim 1 above. Kehr further discloses that the mobile device transmits the generated mobile homepage [Pgs. 2 – 3; the homepage is generated and automatically returned to the person requesting that information].

8. Regarding Claim 8, Kehr, in view of Schwoegler, discloses all the limitation of Claim 1 above. Kehr further discloses that the mobile device receives an identification of the originator of a communication attempt [Fig. 2; Pg. 2; figure shows that the originator of the communication attempt is displayed to the user to determine whether or not the request should be answered].

9. Regarding Claims 19 and 20, Kehr discloses a mobile telephone device comprising of a server that provides a server functionality to said mobile telephone device [Fig.1; Pg. 2; proxy server that implements many of the functionality needed for the provision of mobile users' homepages], a storage for storing at least one homepage on said mobile telephone device [Pg. 2 – 3; homepage is implemented inside a SIM, which has computing power and memory, inside the mobile device], characterized by a processor configured to determine information about environmental conditions of said mobile telephone device and to adapt said homepage according to said determined information about said environmental conditions of said mobile telephone device [Pgs. 2 – 3; homepages are dynamically adapted to the environment a mobile user is currently in such as location (country, network, area) and text configuration notifying the new and updated (evaluating environment information with different environment information) status of the user or the mobile device].

Kehr further discloses that the homepage is constructed from a template that uses information returned by the mobile phone to set variables and for template substitution [Pg. 3].

Kehr, however, does not specifically disclose that the environmental conditions also indicate actual weather conditions of the location of a mobile telephone device.

Schwoegler discloses a system and method of providing individualized, location specific weather information to subscribers on wireless mobile devices [Para. 0002]. Addtionally, Schwoegler discloses that the weather information includes current and predicted weather conditions [Fig. 4] that can be update as often as every seven

minutes [Para. 0059]. Schwoegler further discloses that this service could be delivered on a cable or telephony company's webpage or any major information based website [Para. 0103]. It would have been obvious to one skilled in the art at the time of the invention to incorporate the weather determination system disclosed by Schwoegler to the location updating system disclosed by Kehr. The weather information can be determined and stored within the proxy server based upon the location information first determined by the Kehr system. The template could then be incorporated to include the weather information within the homepage as location information is updated. The motivation to do so is to is to provide current weather information specific to a customer's current location [Para. 0007]. This would provide further information as to the context a mobile user is currently in.

10. Regarding Claims 21, Kehr, in view of Schwoegler, discloses all the limitation of Claim 19 above. Kehr further discloses that the mobile telephone device has a processor configured to connect said mobile telephone to a server, and configured to transfer the contents of a mobile homepage of said mobile telephone device to said server [Pg. 3; each user has the ability to upload the homepage to the proxy server].

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kehr, in view of Schwoegler, in further view of U.S. Appl. 2002/0180579 A1, filed by Tatsuji Nagaoka et al. (hereinafter referenced as "Nagaoka").

11. Regarding Claims 9 and 10, Kehr, in view of Schwoegler, discloses all the limitations of Claim 6 as stated above. Neither Kehr nor Schwoegler, however,

specifically disclose that the communications properties comprise of information about a communication connection or communication state of the mobile telephone.

Nagaoka discloses the use of stored communication capacity information to determine how to display the requested service onto the mobile device: the maximum communication speed, display capacity, and communication standard associated with the corresponding model of the mobile telephone [Pg. 5, Para. 0085; Pg. 7, Para. 0133]. It would be obvious to one skilled in the art to incorporate the teachings of Nagaoka with Kehr and Schwoegler since the communication speed and other properties of the mobile device will determine how much homepage information can be stored within the mobile device and the speed in which this information can be delivered to a request of this information. The communication capacity information of a particular mobile device can determine how the homepage is delivered from the mobile device, which can be used to determine possible solutions for low bandwidth or memory size that may lower the quality of service in supplying the homepage.

Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kehr, in view of Schwoegler, in further view of U.S. Patent 6,496,949 B1, invented by Dimitri Kanevsky et al. (hereinafter referenced as "Kanevsky").

12. Regarding Claims 11 and 22, Kehr, in view of Schwoegler, discloses all the limitations of Claims 1 and 21 as stated above. Kehr further discloses that the mobile telephone device can download the contents of a mobile homepage of said mobile telephone device, storing said downloaded mobile homepage on a server, said server containing a homepage, thereby automatically updating said homepage on said server

according to said mobile homepage of said mobile telephone device [Pg. 3; each user has the ability to upload the homepage to the proxy server].

Neither Kehr nor Schwoegler, however, specifically disclose that downloading is initiated when it is detected that the attainability of the mobile device is expected to be reduced.

Kanevsky discloses an emergency backup system for backing up data on one or more computer located in an identified danger zone where a remote sensor sends a signal to the "endangered" computers to download data when it detects the occurrence of an emergency condition [Abstract; Col. 2, Lines 27-49]. Kanevsky further discloses that this system can be implemented within a wireless network and a PDA (Abstract). It would be obvious to one skilled in the art to incorporate the teaching of Kanevsky with Kehr and Schwoegler due to the instability or the availability of network devices. When a wireless device is used to directly response to requests for information, downloading that information to another storage device, whenever there are issues regarding the availability of the wireless device, allows the requested information to be available if the wireless device is not. Backing up the data also allows retrieval of that information by the wireless device if any information is lost.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kehr, in view of Schwoegler, in further view of U.S. Appl. 2002/0188887 A1, invented by Kenneth Largman et al. (hereinafter referenced as "Largman").

13. Regarding Claim 13, Kehr, in view of Schwoegler, discloses all the limitations of Claim 1 as stated above. Neither Kehr nor Schwoegler, however, specifically disclose

that when the mobile device is not connectable, the communication request is rerouted to another device to retrieve that request.

Largman discloses an emergency startup system that switches to a separate data storing device within the system when the primary device is not available [Pg. 6, Para. 0128]. It would be obvious to one skilled in the art to incorporate the teaching of Largman with Kehr and Schwoegler due to the instability of wireless signals. When a wireless device is used to directly response to requests for information, alternative destinations to retrieve the required information if the wireless device is unavailable will provide consistent service to those requesting it.

Claims 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kehr, in view of Schwoegler, in further view of U.S. Patent 5,956,487, invented by Chandrasekar Venkatraman (hereinafter referenced as "Venkatraman").

14. Regarding Claim 14, Kehr, in view of Schwoegler, discloses all the limitations of Claim 1 as stated above. Neither Kehr nor Schwoegler, however, specifically disclose that the homepage is hypertext markup language homepage or extensible hypertext markup language.

Venkatraman discloses the use of HTML to create a webpage [Col. 3, Lines 29-30]. It would have been obvious to one skilled in the art at the time the application was filed to create the homepage was an HTML file. HTML allows the homepage to contain text, images, multimedia files, forms, and tables that are supported by HTML protocols

[Col. 3, Lines 39-41]. The various object types that are supported by HTML allow the user to customize the homepage with more than simple text.

14. Regarding Claim 16, Kehr, in view of Schwoegler, discloses all the limitations of Claim 1 as stated above. Neither Kehr nor Schwoegler, however, specifically disclose of a software tool, computer program code, or a computer program product stored in a computer readable medium comprising of program code means for carrying out the steps of automatically adapting the contents of a mobile homepage when the program is run on a computer, a network device, or a mobile telephone device.

Venkatraman discloses that the web server functionality of a device includes software executed by a processor to serve the HTTP protocols commands and generate the HTML formatted files [Col. 4, Lines 51-53]. Venkatraman also discloses that the device includes a web server that provides web server functions [Fig. 1a; Col. 3, Lines 5-16] and that the communication mechanisms can include local area networks, cellular telephone links, serial communication links, or a direct connection to the internet [Col. 3, Lines 64 – Col. 4, Lines 4]. Furthermore, Venkatraman discloses that the device comprises of a processor, memory, device-specific hardware, and input/output circuitry and the firmware or software is stored in the available memory [Fig. 1b; Col. 4, Lines 5-8 and 37-41]. It would have been obvious to one skilled in the art at the time the application was filed that to create and modify a homepage requires that software or computer code is used to process the web server functionality necessary. Furthermore, it is also obvious to one skilled in the art that the software program is stored on a computer readable medium within the device. Software or computer code is necessary

for a processor to determine how to process certain inputs and produce certain outputs within a communication system. Storing the software in a computer readable medium allows the processor to perform other its functions continuously without user input.

Conclusion

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Examiner's Note: Prior to submitting amendments and/or remarks to the prior art rejections above, the examiner points out that the pending claims must be "given the broadest reasonable interpretation consistent with the specification" [In re Prater, 162

USPQ 541 (CCPA 1969)] and "consistent with the interpretation that those skilled in the art would reach" [In re Cortright, 49 USPQ2d 1464 (Fed. Cir. 1999)].

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae K. Kim, whose telephone number is (571) 270-1979. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne, can be reached on (571) 272-4001. The fax phone number for submitting all Official communications is (703) 872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the examiner at (571) 270-2979.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Tae K. Kim/

Tae K. Kim
Examiner, Art Unit 2453

July 23, 2009

/ARIO ETIENNE/
Supervisory Patent Examiner, Art Unit 2457